IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.9492 of 1995

Between:

1 Sri Tungala Baswa rao S/o Potha Raju
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.
2 Smt. Garikipati Sreedevi W/o Late Rajagopala Krishna
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.
3 Smt. Garikipati Prasadu W/o Late Nagadala Krishna
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.
4 Sri Garikipati Haribabu S/o Nancharaiah
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.
5 Garikipati Ramanjaneyulu S/o Venkanna
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.
6 Smt G. Seethamahalaxmi, W/o Basavaiah,
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.
7 Smt Garikipati Venkateswaramma W/o Ramarathna Vara Prasad
R/o Venkanuru Village, Avanigadda Mandal, Krishna District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by its Prl. Secretary,

Home Department, Secretariat Buildings, Hyderabad
2 The Minister of Home & Jails, Govt of A.P.,
Secretariat Buildings, Hyderabad
3 Sri P. Indra Reddy, Minister for Home, Govt. of A.P.,
Secretariat Buildings, Hyderabad
4 The Superintendent,
Central Prison, Rajahmundry
5 The Superintendent of Police,
Machilipatnam, Krishna District.
6 Sri Simhadri Satyanarayana S/o Not Known, Minister for

Endowments, Govt of A.P., Secretariat buildings, Hyderabad
7 The Mandal Revenue Officer,
Avanigadda Mandal & Post, Krishna Dist.

8 Gajula Venkateswara Rao S/o Raghavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
9 Tungala Veeravasantha Rao S/o Raghavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
10 Tungala Subba Rao S/o Satyanarayana
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
11 Gudivaka Sivaram @ Gurlaiah S/o Nageswara Rao
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
12 Madivada Subba Rao, S/o Basavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
13 Madivada Malleswara Rao S/o Basavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
14 Tungala Srinivasa Perumallu S/o Veera Raghavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
15 Gajula Ammanna S/o Raghavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
16 Tungala Ganesh @ Sivaji Ganesh S/o Radha Krishna
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
17 Madivada Siva Rama Krishna S/o Basavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
18 Ande Pedabujjai S/o not known
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
19 Tungala Chanti, 3rd S/o Radha Krishna Murthy
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
20 Madivada Ratna Rao S/o Basavaiah
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
21 Gudivaka Narsimha Rao S/o Nageswara Rao
R/o Vekanuru Village, Avanigadda Mandal, Krishna District.
22 The District Collector,
Krishna District at Machilipatnam.

(Writ Petition as against Respondent Nos.6, and 8 to 21 was dismissed for default as per court order dated 04.08.2004)

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus, declaring i) the action of the concerned official respondents in releasing the respondents 8 to 21 on escort parole as violative of the provisions contained in Section 432 Cr.P.C; Prisons Act, 1894; Prisoners Act 1900; and A.P. Prisons Rules 1979 more Particularly Rules 967 to 973 of the Rules relating to the releasing of Prisoners on Furlogugh/leave and Parole/emergency leave; ii) that the respondents Nos. 3 and 6 have acted in a Politically partisan manner with mala fide intentions and have violated their oath of office taken under the relevant Article of the Constitution of India.

Counsel for the Petitioners: MR.V.T.M.PRASAD

Counsel for the Respondent Nos.1 to 5, 7 and 22: GP FOR HOME

The Court made the following :

ORDER:

Learned counsel for the petitioners represents that the subject matter of the Writ Petition has become infructuous.

Recording the same, the Writ Petition is dismissed as having become infructuous. No costs.

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(N.V. RAMANA, J)

Date: 01.11.2004

Nsr

To

1 The Prl. Secretary, Home Department, Government of Andhra

Pradesh, Secretariat Buildings, Hyderabad

2 The Minister for Home & Jails, Govt of A.P.,
Secretariat Buildings, Hyderabad

3 Sri P. Indra Reddy, Minister for Home, Govt. of A.P.,
Secretariat Buildings, Hyderabad

4 The Superintendent,
Central Prison, Rajahmundry, E.G. Dist.

5 The Superintendent of Police,
Machilipatnam, Krishna District.

6 The Mandal Revenue Officer,
Avanigadda Mandal & Post, Krishna Dist.

7 The District Collector,
Krishna District at Machilipatnam.

8 Two CCs to GP for Home, High Court Buildings, Hyderabad (O.U.T)

9 Two CD copies.